

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWIN LEÓN
622 Fulton St.
Conshohocken, PA 19428

Plaintiff,

Civil No. 24-cv-1060

v.

JURY TRIAL DEMANDED

NEHAMA HANOCH
101 W. 10th St.
Wilmington, DE 19801

and

CHEYENNE GOODMAN
101 W. 10th St.
Wilmington, DE 19801

Defendants.

JOINT NOTICE OF REMOVAL OF ACTION

PLEASE TAKE NOTICE that Defendants Nehama Hanoch and Cheyenne Goodman (“Defendants”), by and through undersigned counsel, hereby remove the above-captioned matter (the “Action”), to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1441(b). The grounds for removal are as follows:

1. On November 21, 2023, Plaintiff Edwin León served upon Defendants a Writ of Summons. A true and correct copy of the Writ of Summons is attached hereto as Exhibit 1.
2. On December 13, 2023, Plaintiff filed and served upon Defendants and a Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania. The Complaint named a third person in addition to Defendants, but, that same day, Plaintiff filed a Praecipe to Substitute/Attach to change the caption by removing that third person. Exhibit 36.

3. On February 9, 2024, Plaintiff filed a First Amended Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania against Defendants. The First Amended Complaint was served upon Defendants on February 12, 2024 via the CCP electronic filing system. **A true and correct copy of Plaintiff's First Amended Complaint is attached hereto as Exhibit 45.** (The voluminous exhibits to that complaint are attached separately as Exhibits 46-1 and 46-2.)

4. Plaintiff's First Amended Complaint purports to state seven causes of action against Defendants for Intentional Infliction of Emotional Distress ("IIED"), Negligent Infliction of Emotional Distress ("NIED"), Invasion of Privacy, Defamation, Slander *Per Se*, and separate counts for Assault against Ms. Hanoch and Ms. Goodman. **Id.**

5. **Venue is proper.** Pursuant to 28 U.S.C. §§ 118(a), 1441(a), and 1446(a), Defendants may remove this action to the United States District Court for the Eastern District of Pennsylvania because Plaintiff filed his First Amended Complaint, and the action is currently pending, in the Court of Common Pleas of Philadelphia County, Pennsylvania. *See* 28 U.S.C. § 118(a) ("The Eastern District comprises the counties of . . . Philadelphia"); 28 U.S.C. § 1441(a) (" . . . any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."); 28 U.S.C. § 1446(a) ("A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal...").

6. **The Court has jurisdiction over this Action under 28 U.S.C. § 1332.** As explained further below, the Action is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interests and costs. Neither Defendant is a citizen of Pennsylvania.

7. There is complete diversity between the parties in accordance with 28 U.S.C. § 1332. Plaintiff is a citizen of the Commonwealth of Pennsylvania. At the time the First Amended Complaint was filed, both Defendants were citizens of Washington, DC.

8. The amount in controversy requirement is also satisfied. *See* 28 U.S.C. § 1332. As detailed below, the relief Plaintiff seeks in each separate count, when aggregated, exceeds \$75,000 in damages.

9. In Count I (IIED), Plaintiff seeks damages “in an amount in excess of \$50,000.00” against each Defendant.

10. In Count II (NIED), Plaintiff seeks damages “in an amount in excess of \$50,000.00” against each Defendant.

11. In Count III (Invasion of Privacy), Plaintiff seeks damages “in an amount in excess of \$50,000.00” against each Defendant.

12. In Count IV (Defamation), Plaintiff seeks damages “in an amount in excess of \$50,000.00” against each Defendant.

13. In Count V (Assault Count Against Ms. Hanoch), Plaintiff seeks damages “in an amount in excess of \$50,000.00” against each Defendant.

14. In Count VI (Assault Count Against Ms. Goodman), Plaintiff seeks damages “in an amount in excess of \$50,000.00” against each Defendant.

15. In Count VII (Slander *Per Se*), Plaintiff seeks damages “in an amount in excess of \$50,000.00” against each Defendant.

16. Therefore, Plaintiff’s First Amended Complaint makes clear that he seeks at least \$300,000 in damages against each Defendant.

17. Defendants each filed Preliminary Objections to Plaintiff's First Amended Complaint on March 4, 2024. Exs. 47 (Hanoch) & 48 (Goodman).

18. This Notice is being filed within 30 days of service of the First Amended Complaint on Defendants and is hereby timely filed under 28 U.S.C. § 1446(b)(1). The First Amended Complaint is the first paper filed in this Action that put Defendants on notice that Plaintiff was seeking an excess of \$75,000 in damages.

19. All Defendants consent to removal pursuant to 28 U.S.C. § 1446(b)(2)(A).

20. In accordance with 28 U.S.C. § 1446(a), **a true and correct copy of all process, pleadings, and orders served upon Defendants are attached hereto as Exhibits 1-2, 5, 16, 19, 30-36, 42, 45-46**. Defendants have not been served with, nor have they served, any other process, pleadings, or orders in this Action.

21. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly provide written notice of removal of the action to Plaintiff, providing a copy of the filed version of this Notice, and will promptly file a copy of this Notice of Removal with the clerk of the Court of Common Pleas of Philadelphia County, Pennsylvania.

22. Defendants reserve the right to submit further evidence supporting this Joint Notice should Plaintiff move to remand.

23. By filing this Joint Notice, Defendants do not waive any defenses which may be available to them and do not concede the allegations set forth in the First Amended Complaint are true or sufficient to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully request that this Court remove the Action from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District

Court for the Eastern District of Pennsylvania, where it shall proceed as if originally commenced therein.

/s/ Brian J. Foley
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*Attorney for Defendant Cheyenne
Goodman*

Dated: March 11, 2024

CERTIFICATE OF SERVICE

I, Brian J. Foley, hereby certify that on this 11th day of March 2024, I caused to be served the foregoing Joint Notice of Removal of Action, to be filed via email and via the Philadelphia Court of Common Pleas's and this Court's Electronic Case Filing (ECF) System, and the document is available for viewing and downloading from the ECF System to the following attorneys of record:

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